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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,574	09/21/2001	Edward Panelli	GEMS-0112/YOD 15-EC-5739	1965
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GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			HAQ, NAEEM U	
			ART UNIT	PAPER NUMBER
			3625	
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			07/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/682,574

Applicant(s)

PANELLI ET AL.

Examiner

Naeem Haq

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/21/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16, 19-24, 30-37 and 55-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 19-24, 30-37 and 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

This action is in response to the Applicants' amendment filed on April 21, 2008. Claims 1-9, 11-16, 19-24, 30-37 and 55-57 are pending and will be considered for examination.

Final Rejection

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 11, 13, 15, 19, 21, and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) ("Langseth") in view of Jack Windsor Lewis "Studies in General and English Phonetics" ("Lewis") and further in view of Arganbright et al. (US 6,980,962 B1) ("Arganbright").

Referring to claims 1, 2, 6, 11, 13, 15, 19, 21, 30, 31, and 34: Langseth teaches an electronic information system, comprising at least one programmed computer that is accessible electronically via an electronic communication system (col. 4, lines 11-21; col. 15, lines 14-20), wherein the electronic information system is operable to enable a customer to access the electronic information system via the electronic communication system to electronically create a standing order of a customer specified duration for

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periodic delivery to a specified customer location of a product, good, or service (col. 13, lines 10-47; col. 26, lines 24-51). Langseth does not teach that the standing order begins on a customer specified date. However, Lewis teaches a standing order that begins on a customer specified date (page 86). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Lewis into the invention of Langseth. One of ordinary skill in the art would have been motivated to do so in order to allow the customer to have more control over the scheduling of the delivery and/or payment of the services. The cited prior art does not teach a customer specified frequency of delivery. However, Arganbright teaches that a standing order that allows a customer to specify the frequency of delivery (col. 48, line 63 -- col. 49, line 1). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Arganbright into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a customer to specify the frequency of delivery. Finally, Langseth teaches that the duration, date and frequency of delivery are specified by the customer at the time of order creation (Abstract, lines 11-16; col. 3, lines 59-65; col. 4, lines 30-33; col. 5, lines 15-20 and lines 23-28; col. 10, lines 34-36; col. 11, lines 43-48 and lines 63-67).

Referring to claims 3, 4, 32, and 33: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. Furthermore, Langseth teaches that the electronic information system is operable to enable the customer to access the electronic information system via the electronic communication system and identify

electronically the product, good, or service to be delivered periodically under the standing order (col. 26, lines 24-35).

Claims 5, 7, 23, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) ("Langseth") in view of Jack Windsor Lewis "*Studies in General and English Phonetics*" ("Lewis") and further in view of Arganbright et al. (US 6,980,962 B1) ("Arganbright") and Meissner et al. (US 6,070,001) ("Meissner").

Referring to claims 5, 7, 23, and 35: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. The cited prior art does not teach enabling the customer to revise the product, good, or service to be delivered periodically under the standing order. However, Meissner teaches a system that lets a customer add or delete (i.e. revise) services (e.g. channels) to a subscription (col. 8, lines 19-25). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Meissner into the prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a customer to add or delete services from their subscription, as taught by Meissner.

Claims 8, 9, 20, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) ("Langseth") in view of Jack Windsor Lewis "*Studies in General and English Phonetics*" ("Lewis") and further in view of Arganbright et al. (US 6,980,962 B1) ("Arganbright") and Schiller et al. (US 6,442,573 B1) ("Schiller").

Referring to claims 8, 9, 20, and 36: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. The cited prior art does not teach enabling a customer to establish or revise the frequency of delivery of a product, good, or service to be delivery periodically under the standing order. However, Schiller teaches a system that allows a user to change weekly subscription to monthly subscription (col. 22, lines 57-65). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to change the subscription delivery, as taught by Schiller.

Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) (“Langseth”) in view of Jack Windsor Lewis “*Studies in General and English Phonetics*” (“Lewis”) and further in view of Arganbright et al. (US 6,980,962 B1) (“Arganbright”) and Wiecha (US 5,870,717).

Referring to claims 14 and 22: The cited prior art teaches or suggests all the limitations of claim 1 as noted above. The cited prior art does not teach enabling a customer to review a standing order for periodic delivery. However, Wiecha teaches a system for ordering items over a network that allows a user to review a purchase order (col. 3, lines 45-47). The Applicant's specification discloses that a standing order is a type of purchase order. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Wiecha into the prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to make changes as necessary to the purchase order.

Claims 12 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) ("Langseth") in view of Jack Windsor Lewis "*Studies in General and English Phonetics*" ("Lewis") and further in view of Arganbright et al. (US 6,980,962 B1) ("Arganbright") and Official Notice.

Referring to claim 12: The cited prior art teaches or suggests all the limitations of claim 11 as noted above. The cited prior art does not disclose that the electronic information system requires the customer to provide an authorization identifier before enabling the customer to create the standing order. However, Official Notice is taken that it is old and well known in the art to use a username and password as a form of authorization identifier. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate a username and password (i.e. authorization identifier) in the invention of the prior art. One of ordinary skill in the art would have been motivated to do so in order to verify the identity of the user prior to allowing the user to transfer his or her funds.

Referring to claims 55-57: The cited prior art teaches or suggests all the limitations of claim 1, 19, and 30 as noted above. The cited prior art does not disclose a physical address of a customer facility. However, Official Notice is taken that it is old and well known in the art to record a customer's physical address when setting up a subscription or ordering a service. Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to record a customer's physical address in the invention of Langseth. One of ordinary skill in the art would

have been motivated to do so in order to properly bill the right subscriber for the right service.

Claims 16, 24, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al. (US 6,694,316 B1) ("Langseth") in view of Jack Windsor Lewis "*Studies in General and English Phonetics*" ("Lewis") and further in view of Arganbright et al. (US 6,980,962 B1) ("Arganbright") and Wallman (US 6,338,047 B1).

Referring to claims 16, 24, and 37: The cited prior art teaches or suggests all the limitations of claim 11 as noted above. The cited prior art does not disclose that the electronic information system incorporates business rules provided by a supplier for the creation of a standing order, wherein the electronic information system prevents the customer from creating a standing order in violation of the business rules. However, Wallman teaches a system for creating a standing order that incorporates business rules provided by a supplier for the creation of a standing order, wherein the electronic information system prevents the customer from creating a standing order in violation of the business rules. (col. 6, lines 32-46; Figure 3, items "350"). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Wallman into the invention of the prior art. One of ordinary skill in the art would have been motivated to do so in order to ensure that the standing order was created in accordance with the supplier's business rules, as taught by Wallman.

Response to Arguments

Applicants' arguments have been fully considered but they are not persuasive. As noted in the rejection above, Langseth discloses the newly added limitation in the independent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/
Primary Examiner, Art Unit 3625

July 29, 2008